

OFFICIAL.

LAW OF THE UNITED STATES,

Passed at the Third Session of the Thirty-second Congress.

[Public—No. 85.]

An act to define the powers and duties of the levy court of the county of Washington, District of Columbia, in regard to roads, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the levy court of the county of Washington, District of Columbia, shall hereafter consist of nine members, to be appointed by the President of the United States, by and with the advice and consent of the Senate, who shall hold their offices for the term of three years. But of the members to be first appointed one third shall be appointed and hold their offices for one year, or until the thirty first day of December, eighteen hundred and sixty three; one third for two years, or until the thirty first day of December, eighteen hundred and sixty four; and one third for three years, or until the thirty first day of December, eighteen hundred and sixty five. The terms of members shall commence on the first day of January, and end on the thirty first day of December; and it shall be the duty of the President to nominate members, to fill the place of those whose term is about to expire, as early as the fifteenth day of December, and he may nominate any outgoing member, should he think proper to do so. Of the nine members of the court, five shall be residents of the county, three of the city of Washington, and one of the city of Georgetown. In case of vacancies happening, the President shall fill them as other vacancies are filled; and the term of the person appointed to fill any vacancy shall expire when the term of him in whose place he is appointed would have expired.

Sec. 2. And be it further enacted, That every person appointed as member of the levy court shall, before he enters on his duties, take an oath faithfully to discharge the duties of the office, and also to support the Constitution of the United States; and he shall also take the oath of allegiance prescribed by the act of July second, eighteen hundred and sixty two. The members of said court shall hereafter be entitled to receive four dollars a day, each, for every day they shall attend a sitting of the court, and not absent themselves without permission of the court, and four dollars for every day they shall serve on a committee, to be paid by the county treasurer upon the certificate of the president of said court.

Sec. 3. And be it further enacted, That the said court shall have the care and charge of and the exclusive jurisdiction over all the roads and bridges in said county, except such roads and bridges as belong to and are under the care of the United States. And the said court shall have power, and it shall be their duty—

First. To lay out, alter, repair, discontinue, and regulate any of the public roads and highways within said county, and at any time hereafter to inquire and to decide whether any road in said county held by any corporation, company, has been, and is at the time of such inquiry, kept in the condition required by the charter thereof, and if not, to take legal proceedings to acquire possession of the same as other county roads.

Second. To levy and collect taxes for that purpose upon and from the inhabitants of said county, of the age of twenty one years and over; those having no property to assess to be assessed to labor.

Third. To appoint, annually, and take bond and security from a clerk and treasurer, and also to appoint a collector of taxes, who shall have power to collect all the taxes (not to be paid in labor) levied by said court, and to proceed to collect the same, in such manner and within such periods of time as the said levy court may direct.

Fourth. To appoint, annually, a general superintendent of roads and such number of supervisors of roads as they may deem expedient; to remove them, as well as the clerk and treasurer and tax collector, whenever, in their judgment, there is sufficient cause, or the public interests will be subserved thereby.

Fifth. To cause bridges to be erected whenever necessary or convenient, and to keep all bridges in good repair.

Sixth. To fix, from time to time, the pay of the clerk, treasurer, tax collector, superintendent and supervisors of roads, and the rates per day or hour to be paid for labor to be performed by men or teams when employed upon roads or bridges.

Seventh. To levy a tax upon all lands and other assessable property lying in said county, at a rate not exceeding one dollar in the hundred dollars of their valuation, and also a tax of not exceeding one dollar each on dogs.

Eighth. To require reports or the rendition of accounts from the collector of taxes, the treasurer of the county, and from supervisors of roads, whenever they shall deem it expedient and proper. Also, reports from supervisors as to the condition of the roads and bridges in their respective districts, and estimates of the probable amount that will be required to put and keep the same in good repair for the ensuing year.

Ninth. To pass ordinances imposing fines for trespassing upon or obstructing, or injuring any road or track therein, or bridge, in said county, and to empower and require the tax collector to collect the same in the same manner as other fines are now collected, and to exercise a general police power over all roads and bridges in said county.

Tenth. To lay out private roads.

Eleventh. To provide for the maintenance and support of the poor to erect "a poor house" for that purpose, if deemed by said court necessary and proper; and, in addition to the tax otherwise herein authorized, to levy and collect a tax on real and personal property in said county to pay for the same. The powers herein given are to apply only to that portion of the county not included within the corporate bounds of Washington and Georgetown.

Sec. 4. And be it further enacted, That the said court may authorize any portion, not exceeding three fourths of the taxes levied for road and bridge purposes, to be paid in labor, of men, horses, mules, oxen, the use of ploughs, carts, and wagons, at rates per day or hour, for each, to be fixed by said court. But in case any one assessed shall have no visible property, and shall prefer it, he may pay the whole of his tax in labor. All labor upon roads and bridges shall be performed at such times and places as the superintendent of roads shall direct, and under his supervision, or that of the supervisor of the road, or such other person as may be appointed to superintend the work. And it shall be the duty of the superintendent to notify all persons liable to pay road tax to labor on roads of the time and place, when and where, they must appear and perform such labor, at least one week before the day they are required to appear. And he may notify such as have teams of horses, mules, or oxen, or may have a cart or wagon, to come or send an able bodied hand with such team, cart, or wagon, to be used in repairing or making roads or bridges; such notice to be given personally or in writing left at the residence of the individual notified. If the person so notified shall fail to appear at the time and place, or send an able bodied substitute, or shall not conform to the directions of the person having charge of the work, or shall not labor diligently, in the latter case he shall be dismissed, and in either case he shall pay the whole amount of his road tax in cash, with an addition of twenty per centum thereon. For the convenience of the tax collector and the superintendent of roads, it shall be the duty of all tax payers who desire to work out that portion of their road tax which is herein provided they may work out, as early as the first Monday of April of each year, to give notice to the supervisor of their district of such desire, and such supervisor shall notify the tax collector. But in case any one shall fail to perform the labor required of him, the tax collector shall, upon being notified thereof, collect the said tax in cash, with twenty per centum added.

Sec. 5. And be it further enacted, That it shall be the duty of the superintendent and supervisors of roads to have at least three fourths of the work to be done on them during the year performed as early as the middle of July; and in making and repairing the roads they shall be raised full twelve inches higher in the middle than at the sides, and shall be gradually rounded off to the gutters, which shall be made capacious enough to carry off all the falling water.

Sec. 6. And be it further enacted, That no bill for labor performed upon any road or bridge shall be allowed or paid to any supervisor by the levy court which is not accompanied by a certificate of the superintendent of roads that he has personally examined the road or bridge so made or repaired, and that the work has been well done and according to law, and that the charges are reasonable and just: Provided however, That one or more members of the court, to be appointed for that purpose, may, after personal examination, make such certificate.

Sec. 7. And be it further enacted, That on extraordinary occasions, when any public road or bridge shall be destroyed, or so injured as to require immediate repair, it shall be the duty of the superintendent as well as the supervisor of the road to cause the necessary repairs to be forthwith made; and if there are no funds in hand with which to hire laborers and teams, or if laborers and teams cannot be otherwise procured, the said supervisor shall immediately summon a sufficient number of men living nearest the place to appear and labor on said road or bridge until it shall be repaired; and he may also require any person owning a team and living within a reasonable distance to appear with said team and cart or wagon and plough. And if any one thus called upon, having received two days' notice, shall neglect or refuse to appear and labor, or send an able bodied substitute, or shall refuse his team, cart, wagon, or plough, he shall forfeit and pay to the levy court a sum not less than three dollars, nor more than ten, to be recovered before any justice of the peace in said county, with costs. For labor, the use of teams, and other necessary implements, performed and furnished on such occasions, a just and fair compensation shall be paid, to be fixed by the said court.

Sec. 8. And be it further enacted, That whenever the levy court shall deem it conducive to the public interests to open a new road, or change the course of an old one, they shall direct the route of such road to be surveyed by the county surveyor, and a plat or map of the same to be prepared. They shall then cause notice to be given, by advertisement, twice a week for three weeks, of the proposed opening of the new road, or of the alteration of an existing one, calling upon all persons who may have any objections thereto to present them to the court at its next regular meeting. If any objections are made, the court shall then and there hear them. If the route only is objected to, and another or others suggested as more advantageous, the court may adopt it, or appoint five discreet, disinterested men, of whom the county surveyor shall be one, to examine all the

proposed routes, and report such an one as they shall deem most feasible and advantageous to the county, and such report shall be made to the court at its next session. If no objection to the opening or altering a road by the owners of the land through which it must pass after such notice, it shall be taken for granted that no damages are or will be claimed, and the road may be recorded and opened, and shall then be a public road or highway; but if any owner or owners of the land shall object and claim damages, and the court cannot agree with such owner or owners upon the amount, then the court shall direct the marshal of the district to summon a jury or seven judicious, disinterested men, not related to any party interested, to be and appear on the premises on a day specified to assess the damages, if any, with each owner of land through which the road is to pass may sustain by reason thereof. And the marshal shall summon such jury, and administer an oath or affirmations to them that they will, without favor or partiality to any one, to the best of their judgment, decide what damage, if any, each owner may sustain by reason of running the road through his premises; but in doing this they shall take into consideration the benefit it may be to him or her by enhancing the value of his or her land, or otherwise, and give their verdict accordingly. It shall be the duty of the marshal, upon receiving the order from the court, to give the owner or owners aforesaid not less than ten days' notice of the time and place of the meeting of the jury to assess their damages. In cases where notice cannot be served on the owner or owners, the same proceedings shall be had as is provided in this section in the case of minors. The jury, having been upon the premises and assessed the damages, shall make out a written verdict, to be signed by them, or a majority of them, and attested by the marshal, which the marshal shall transmit to the court at its next session, and which shall be recorded. If the court or any owner or owners of the land aforesaid are dissatisfied with the verdict thus rendered, and no arrangement being made between the court and the said owner or owners, the court shall order the marshal to summon a second jury of twelve judicious, disinterested men, not related to any one interested, to meet and view the premises, giving the parties interested at least ten days' notice of the time and place of meeting. And the marshal and jury shall proceed as before directed in regard to the jury. And the verdict, signed by each of the jurors, or a majority of them, shall be returned to the court at its next session, and recorded as final and conclusive, and the road shall then be declared a public road, and the court shall order it to be opened as such. And the same mode of proceeding shall be observed in cases where application shall be made to the court by the residents of the county to lay out a new, or alter any existing road. In all cases where the land through which it is proposed to run a road shall belong to a minor or minors, it shall be presumed that objection is made, and the damages assessed accordingly. In all cases where it becomes necessary to summon a second jury to assess damages, if the amount assessed by the second jury shall not be greater than the amount assessed by the first, the costs of the second jury shall be paid by the party or parties objecting to the first verdict; but if a greater, they shall be paid by the county. All expenses up to the second jury shall be paid by the county.

MARSHAL'S FEES.

For summoning each juror the marshal shall be entitled to fifty cents.

For travel, per mile, going and coming to the premises to be examined, twelve and a half cents.

For each day's attendance, two dollars and fifty cents.

JUROR'S FEES.

For each day's attendance, two dollars.

Sec. 9. And be it further enacted, That in any case where materials of any kind shall be deemed necessary for making or repairing a public road, if the levy court cannot agree with the owner as to their purchase, the said court may proceed in the same manner for condemning said materials as in cases of condemnation of land for the purposes of a public road, as is provided for in the next preceding section of this act.

Sec. 10. And be it further enacted, That said levy court shall have full power to make sanitary rules and regulations in said county, to abate nuisances, and to pass such ordinances as it may deem necessary for their condemnation and removal, and for the punishment of persons creating them or suffering them to exist in their premises; which punishment shall not exceed a fine of twenty dollars, for the use of the county, or imprisonment in the county jail thirty days for each offence. Said levy court shall also have power to pass such ordinances as it may deem necessary to effectually prevent Sabbath-breaking in said county by hunting, gaming, fishing, or otherwise, on Sunday; to prohibit killing of such game as said court may think proper during certain periods; to regulate fishing in the waters of said county, and to provide for sufficient penalties for the violation thereof. And it shall be the duty of the metropolitan police of the District of Columbia to enforce any and all the ordinances of the said levy court in the same manner as they are now required to enforce the ordinances of the cities of Washington and Georgetown; the funds required for that purpose to be paid by said levy court from the county treasury. And from and after the passage of this act the duties of county constable shall be confined exclusively to the service of civil process and the collection of strictly private debts within the said District of Columbia. And each

of the county constables holding office at the time of the passage of this act, and each of said constables hereafter appointed, shall, before performing any duties required to be performed in his said office, take the oath of allegiance required by the act of July second, eighteen hundred and sixty two, in addition to any oath of office required of him at the time, and shall moreover enter into a bond to the United States in the sum of five thousand dollars, with security to be approved by the clerk of the circuit court, conditioned for the faithful performance of the duties of his office, and for the punctual payment of all moneys coming into his hands to the persons entitled to receive the same, and shall renew the said bond on the thirty first day of June in every alternate year of his continuance in office.

Sec. 11. And be it further enacted, That the act entitled "An act to authorize the levy court to issue tavern and other licenses in the District of Columbia," approved June twelfth, eighteen hundred and sixty, be so extended as to authorize the levy court to grant licenses to wholesale and retail dealers in goods, wares, and merchandise in the county of Washington, outside the limits of the cities of Washington and Georgetown, under such restrictions and penalties as the said levy court may deem expedient.

Sec. 12. And be it further enacted, That fines, under any of the ordinances of the levy court, may be recovered in the name and for the use of said levy court, before any magistrate of said county of Washington, and the person or persons against whom a fine may be imposed, shall pay the same at the time it is so imposed with costs, or give security for the payment of such fine and costs, as required by the sixth section of an act entitled "An act to amend 'An act to create a metropolitan police district of the District of Columbia, and to establish a police therefor,'" approved August six, eighteen hundred and sixty one, or shall stand committed till the whole is paid.

Sec. 13. And be it further enacted, That all laws inconsistent with this act are hereby repealed.

Approved, March 3, 1863.

[Public—No. 98.]

An act for the removal of the Sisseton, Walpato, Medawakanton, and Walpato bands of Sioux or Dakota Indians, and for the disposition of their lands in Minnesota and Dakota.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and hereby directed to assign to and set apart for the Sisseton, Walpato, Medawakanton, and Walpato bands of Sioux Indians a tract of unoccupied land outside of the limits of any State, sufficient in extent to enable him to assign to each member of said bands (who are willing to adopt the pursuit of agriculture) eighty acres of good agricultural lands, the same to be well adapted for agricultural purposes.

Sec. 2. And be it further enacted, That the several tracts of land within the reservations of the said Indians shall be surveyed under the direction of the Commissioner of the General Land Office, into legal subdivisions, to conform to the surveys of other public lands. And the Secretary of the Interior shall cause each legal subdivision of the said lands to be appraised by discreet persons, to be appointed by him for that purpose. And in each instance where there are improvements shall be separately appraised. But no portion of the said lands shall be subject to pre-emption, settlement, entry or location, under any act of Congress, unless the party pre-empting, settling upon, or locating any portion of said lands shall pay therefor the full appraised value thereof, including the value of the said improvements under such regulations as hereinafter provided.

Sec. 3. And be it further enacted, That after the survey of the said reservations the same shall be open to pre-emption entry, and settlement, in the same manner as other public lands: Provided, That before any person shall be entitled to enter any portion of the said lands, by pre-emption or otherwise, previous to their exposure to sale to the highest bidder, at public outcry, he shall become an actual bona fide settler thereon, and shall conform to all the regulations now provided by law in cases of pre-emption, and shall pay, within the term of one year from the date of his settlement, the full appraised value of the land, and the improvements thereon, to the land officers of the district where the said lands are situated; and the portions of the said reservations which may not be settled upon as aforesaid may be sold at public auction, as other public lands are sold, after which they shall be subject to sale at private entry, as other public lands of the United States, but no portion thereof shall be sold for a sum less than their appraised value, before the first of January, anno Domini eighteen hundred and sixty five, nor for a less price than one dollar and twenty five cents per acre, until otherwise provided by law.

Sec. 4. And be it further enacted, That the money arising from said sale shall be invested by the Secretary of the Interior for the benefit of said Indians in their new homes, in the establishing them in agricultural pursuits: Provided, That it shall be lawful for said Secretary to locate any meritorious individual Indian of said bands, who exerted himself to save the lives of the whites in the late massacre upon said lands on which the improvements are situated, assigning the same to him to the extent of eighty acres shall be awarded to any one Indian, under this or any other act.

Sec. 5. And be it further enacted, That the money to be annually appropriated for the benefit of said Indians shall be expended

in such manner as will, in the judgment of the Secretary of the Interior, best advance the said Indians in agricultural and mechanical pursuits, and enable them to sustain themselves without the aid of the government; but no portion of said appropriations shall be paid in money to said Indians; and in such expenditures said Secretary may make reasonable discrimination in favor of the chiefs who shall be found faithful to the government of the United States, and efficient in maintaining its authority and the peace of the Indians. Said Indians shall be subject to the laws of the United States, and to the criminal laws of the State or Territory in which they may happen to reside. They shall also be subject to such rules and regulations for their government as the Secretary of the Interior may prescribe; but they shall be incapable of making any valid civil contract with any person other than a native member of their tribe, without the consent of the President. The Secretary of the Interior shall also make reasonable provision for the education of said Indians, according to their capacity and the means at his command.

Approved, March 3, 1863.

[Public Resolution—No. 15.]

A Resolution to expedite the printing of the President's message and accompanying documents.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, instead of furnishing manuscript copies to each house of Congress, the heads of the several Departments of government be required to furnish the superintendent of the Public Printing with copies of the documents usually accompanying their annual reports on or before the first day of November of each year; whose duty it shall be to print, in addition to the number now required by law, two thousand copies for the use of Senate, and five thousand for the use of the House, in volumes (bound in the usual manner) of convenient size, and to deliver the same to the proper officer of each house, respectively, on or before the third Monday in December of each year. It shall also be his duty to print for the use of each of said heads of departments one thousand copies of their said reports proper; and for the use of the Commissioners of the General Land Office, of Indian Affairs, and of Pensions, five hundred copies of each of their reports, respectively. And it shall not be lawful for said Superintendent to print any greater number of said reports, nor the reports of the heads of any bureau to their respective superiors, unless directed to do so by either house of Congress.

Sec. 2. And be it further resolved, That hereafter the number of any bill or joint resolution ordered or required to be printed by either the Senate or House of Representatives, under any rule of either house, shall not exceed six hundred, unless especially directed by the house ordering the same.

Sec. 3. And be it further resolved, That it shall be the duty of the Secretary of the Treasury to furnish a condensed statement of the aggregate amount of the exports to, and imports from, foreign countries to the superintendent of the public printing, on or before the first day of November of each year, who shall print and bind as soon thereafter as practicable ten thousand copies thereof, to be distributed as follows, viz: The usual number (one thousand five hundred and fifty) for the two houses of Congress; three hundred copies for the treasury Department, two thousand for the use of the members of the Senate; and six thousand one hundred and fifty copies for the use of the members of the House of Representatives.

Sec. 4. And be it further resolved, That six thousand copies of the "Commercial Relations" annually prepared under the direction of the Secretary of State, be printed and distributed as follows, viz: The usual number (one thousand five hundred and fifty) for the houses of Congress; four hundred and fifty for the State Department; two thousand for the use of the members of the Senate; and three thousand for the use of the members of the House of Representatives.

Sec. 5. And be it further resolved, That all lithographing and engraving when the probable cost exceeds two hundred and fifty dollars, shall be awarded to the lowest and best bidder for the interest of the government, after due advertisement by the Superintendent of Public Printing, under the direction of the Committee on Printing.

Sec. 6. And be it further resolved, That the form and style in which the printing ordered by either House of Congress, or by any of the departments, shall be executed, and the size of type to be used, shall be determined by the Superintendent of Public Printing, having proper regard to economy and workmanship.

Sec. 7. And be it further resolved, That all laws or parts of laws conflicting with the above provisions be and they are hereby repealed.

Approved, March 3, 1863.

[Public Resolution—No. 21.]

Joint Resolution authorizing the Secretary of the Treasury to issue American registers to certain vessels named therein.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be and is hereby authorized to issue American registers to the following named vessels: the "Marion," "Selkirk," of Winsor, "Hastings," "Ottawa," and "California," of the Oswego district, in the State of New York, the "Providence," owned by A. J. Richardson, of New York, and the Canadian built steamers "City of Toronto," of Detroit, and "Bliss Bonnet," of New York.

Approved, March 3, 1863.